

PHILIPPINE AEOLUS AUTO-MOTIVE UNITED CORPORATION and/or FRANCIS CHUA vs. NATIONAL LABOR RELATIONS COMMISSION and ROSALINDA C. CORTEZ
G.R. No. 124617, April 28, 2000⁵

FACTS:

Respondent Rosalinda C. Cortez (“Cortez”) was a company nurse of petitioner Corporation until her termination on 7 November 1994 on grounds of gross and habitual neglect of duties, serious misconduct and fraud or willful breach of trust, specifically for throwing a stapler at Plant Manager William Chua, her superior, and uttering invectives against him on 2 August 1994, among others.

Cortez then filed with the Labor Arbiter (LA) a complaint for illegal dismissal, damages and other money claims against the Corporation and its president Francis Chua, which the LA dismissed.

On appeal to the NLRC, the LA’s decision was reversed and found petitioner Corporation guilty of illegal dismissal. However, the NLRC denied Cortez’s claim for moral and exemplary damages, and ruled that Cortez was not entitled to recover such damages for her failure to prove that petitioner Corporation had been motivated by malice or bad faith or that it acted in a wanton, oppressive or malevolent manner in terminating her services. In disbelieving the explanation of Cortez, the NLRC agreed with the LA and questioned why it took Cortez more than four (4) years to expose William Chua’s alleged sexual harassment. It reasons out that it would have been more prepared to support Cortez’s position if her act of throwing the stapler and uttering invectives on William Chua were her immediate reaction to his amorous overtures. In that case, according to NLRC, Cortez would have been justified for such outburst because she would have been merely protecting her womanhood, her person and her rights.

ISSUE:

Whether the NLRC was correct in rejecting Cortez’s claim for damages and her allegation of sexual harassment because it took her more than four (4) years to reveal the alleged act.

RULING:

NO. Strictly speaking, there is no time period within which he or she is expected to complain through the proper channels. The time to do so may vary depending upon the needs, circumstances, and more importantly, the emotional threshold of the employee.

⁵ Full text available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/54378>.

Private respondent admittedly allowed four (4) years to pass before finally coming out with her employer's sexual impositions. Not many women, especially in this country, are made of the stuff that can endure the agony and trauma of a public, even corporate, scandal. If petitioner corporation had not issued the third memorandum that terminated the services of private respondent, we could only speculate how much longer she would keep her silence. Moreover, few persons are privileged indeed to transfer from one employer to another. The dearth of quality employment has become a daily "monster" roaming the streets that one may not be expected to give up one's employment easily but to hang on to it, so to speak, by all tolerable means. xxx

In determining entitlement to moral and exemplary damages, we restate the bases therefor. In moral damages, it suffices to prove that the claimant has suffered anxiety, sleepless nights, besmirched reputation and social humiliation by reason of the act complained of. Exemplary damages, on the other hand, are granted *in addition to, inter alia*, moral damages "by way of example or correction for the public good" if the employer "acted in a wanton, fraudulent, reckless, oppressive or malevolent manner."

Anxiety was gradual in private respondent's five (5)-year employment. It began when her plant manager showed an obvious partiality for her which went out of hand when he started to make it clear that he would terminate her services if she would not give in to his sexual advances. Sexual harassment is an imposition of misplaced "superiority" which is enough to dampen an employee's spirit in her capacity for advancement. It affects her sense of judgment; it changes her life. If for this alone private respondent should be adequately compensated. Thus, for the anxiety, the seen and unseen hurt that she suffered, petitioners should also be made to pay her moral damages, plus exemplary damages, for the oppressive manner with which petitioners effected her dismissal from the service, and to serve as a forewarning to lecherous officers and employers who take undue advantage of their ascendancy over their employees.